

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

ZAKARY WIDENOR,
Plaintiff

vs.

**LABRADA ACOSTA ABIL and
PATIALA EXPRESS, INC.**
Defendants

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Civil Action No. 5:21-cv-00962

DEFENDANT PATIALA EXPRESS, INC.'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant PATIALA EXPRESS, INC. ("Defendant"), who files this Notice of Removal, and respectfully shows the following:

I. STATE COURT ACTION

1. The above-styled suit was initially brought in the 438th District Court of Bexar County, Texas, cause number 2021CI17818, via Plaintiffs' Original Petition filed on August 30, 2021. Defendant was served on September 9, 2021.

II. PARTIES

2. Plaintiff, ZAKARY WIDENOR ("Plaintiff") is an individual residing in Bandera County, Texas, who on information and belief, is a citizen of the State of Texas.

3. Defendant PATIALA EXPRESS, INC. is a foreign corporation incorporated in California, with its principal place of business in California.

4. Defendant LABRADA ACOSTA ABIL has not been served, but who on information and belief, resides in the State of Florida¹ and is a Citizen of the State of Florida.

¹ *Id.* at 2.

III. JURISDICTION

5. This Court has subject-matter jurisdiction over this cause pursuant to 28 U.S.C.A § 1332(a) because this is a civil action in which the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. The following information establishes this Court’s subject-matter jurisdiction under 28 U.S.C.A § 1332:

- a. Plaintiff states in his Original Petition that he has sustained “significantly debilitating injuries.”² Plaintiff also states that he has “sustained severe, excruciating, and painful personal injuries to his whole body in general.”³ Though Defendant retains the right to dispute Plaintiff’s damage claim, Plaintiff’s pleadings discussing alleged injuries shows that this matter has an amount in controversy that exceeds \$75,000.00;
- b. Plaintiff states in his Original Petition that he is a resident of Bandera County, Texas.⁴ On Information and belief, Plaintiff is also a citizen of the State of Texas;
- c. Defendant is a foreign corporation incorporated in the state of California with its principal place of business in California;
- d. Defendant LABRADA ACOSTA ABIL has not been served, but who on information and belief, resides in the State of Florida⁵ and is a Citizen of the State of Florida; and

² Pl’s Org. Pet. at 6.

³ *Id.* at 3.

⁴ *Id.* at 1.

⁵ *Id.* at 2.

- e. Therefore, this Court has subject-matter jurisdiction under 28 U.S.C.A § 1332(a) because the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different States.

IV. TIMELINESS

6. Defendant was served with Plaintiff's Original Petition on September 9, 2021. Thirty days have not elapsed since Defendant was served with Plaintiffs' Original Petition. Pursuant to 28 U.S.C.A. § 1446(b)(1), this Notice of Removal is timely and proper.

V. ATTACHMENTS

7. Defendants are furnishing to the Clerk the following information at the time of removal:

- a. The civil cover sheet (AO Form JS 44);
- b. The supplemental civil cover sheet;
- c. Plaintiff's Original Petition;
- d. Register of actions from state court matter;
- e. Defendant's Original Answer;
- f. Return Service Patiala;
- g. Pursuant to 28 U.S.C.A. §1446(d), a notification of removal to be filed in state court and to be served on all counsel;
- h. An index of matters filed; and
- i. A list of all counsel of record.

VI. CONDITIONS PRECEDENT

8. Defendant has tendered the required filing fee to the Clerk of the United States District Court for the Western District of Texas, San Antonio Division, along with this Notice of Removal. A copy of this Notice of Removal is also being filed in the District Court of Bexar County, Texas, and all counsel of record are being provided with complete copies.

9. Accordingly, Defendants respectfully requests that the above action, now pending in the 438th District Court of Bexar County, Texas, cause number 2021CI17818, be removed therefrom to this Court.

Respectfully submitted,

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By: /s/ Blain Donnell

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**ATTORNEYS FOR DEFENDANT PATIALA
EXPRESS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically served pursuant to the Federal Rules of Civil Procedure on this the 8 day of October 2021, upon the following counsel of record:

VIA CM/ECF

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/s/ Blain Donnell
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